

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

FRIENDS OF PINE STREET, d/b/a PINE
STREET COALITION,

Plaintiff,

v.

THOMAS D. EVERETT, in his capacity as
Executive Director of the Federal Highway
Administration; JOE FLYNN, in his
capacity as Secretary of the State of
Vermont Agency of Transportation; and
MIRO WEINBERGER, in his capacity as
Mayor of Burlington,

Defendants.

Case No. 5:19-cv-95

TEMPORARY RESTRAINING ORDER

Plaintiffs seek a temporary restraining order halting construction of the Champlain Parkway project until the court can issue a ruling on the motion for a preliminary injunction. In their papers, plaintiffs raise a number of important issues that the City of Burlington and other defendants have not yet had an opportunity to address. Among the points raised are the pointed remarks of a Champlain Elementary School student:

Now I bet you're thinking, why should we listen to a child? Well, about the matter of cutting down the trees. It is an issue we should discuss. ... I think that we should make sure Englesby Brook is safe for our community. And we have tried so hard to make sure our Town, our State, our America, our world and the people and the plants and animals don't get hurt by our actions. (Doc. 40-5.)

This action has been pending since 2019, with no court action at the request of the parties. During this time, the parties have been occupied with additional reviews and

preparation. The two sides have not reached an agreement. The court will conduct a final hearing pursuant to the provisions of the Environmental Protection Act on an expedited basis as soon as possible. But in the meantime, the court orders that defendants halt construction until all views can be presented in court and there is time for a reasoned resolution of the dispute with the participation of the parties.

For these reasons, pursuant to Fed. R. Civ. P. 65(b)(1), the court enters a temporary restraining order without notice to the parties. The court enters the following findings on a preliminary basis only. The commencement of construction, including the removal of forest, represents an immediate and irreparable loss to the moving parties because the forest cannot be replaced. There is no time to schedule a hearing first because construction is expected to commence tomorrow. The temporary restraining order will remain in place until the hearing set for June 17, 2022. This order is issued on June 14, 2022 at 5:00 p.m.

CONCLUSION

The court ORDERS a halt to construction on the Champlain Parkway project until the hearing scheduled for June 17, 2022 at 9:00 a.m. at the U.S. District Courthouse, 11 Elmwood Avenue, Courtroom #110.

Dated at Burlington, in the District of Vermont, this 14th day of June, 2022.



Geoffrey W. Crawford, Chief Judge
United States District Court